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TOM LYTHGOE, CHAIR

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KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
August 29, 2006**

Present: Commissioners Lythgoe and Notbohm; Craig Doolittle, County Sheriff; Harold Stepper; County Planner; Mike Hoffman, County Planner; Bonnie Ramey, Clerk and Recorder; Kellie Doherty, Paralegal; Patty O'Neill, Treasurer; Sam Little, Weed Coordinator; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Marga Lincoln, *Helena Independent Record*; George DeMers, Lance Vossler, Dennis Lay, Zion Madison, Nick and Isabelle Wock, Joe Schmaus, Linda Gryczan, Bob Keisling, Jack Frazier, Eric Rocha, Bruce Brensdal
Absent: Commissioner Weber

COMMISSION REPORTS

ZONING COMMISSION

Commissioner Lythgoe stated that the zoning commission has discussed annexation. They are going to invite candidates, lobbyists and anyone sympathetic to the County to meet and develop something to take to the legislature.

SUBDIVISION REVIEW

FINAL PLAT APPROVAL - WOCK MAJOR SUBDIVISION

Harold Stepper, County Planner, presented his staff report, noting that cash-in-lieu will be paid for parkland. He recommended that final plat approval be granted. Commissioner Lythgoe stated that he was looking in the conditions of approval for the language regarding stamped, engineered roads. Harold noted that this subdivision was submitted before that change was made. Commissioner Notbohm moved to grant final plat approval. Commissioner Lythgoe seconded. The motion carried.

PRELIMINARY PLAT APPROVAL - GRYCZAN MINOR SUBDIVISION

Mike Hoffman, County Planner, presented his staff report, noting that an engineered road design was not required, as there is a private access easement and there will not be access from a county road. He recommended that preliminary plat approval be granted. Commissioner Lythgoe asked Mike to explain this. Mike stated that he spoke with both Ben and Margie and they said that an engineered road design is not needed. Commissioner Lythgoe stated that this doesn't make sense. Commissioner Notbohm stated that he doesn't agree with this. Mike said that he doesn't

either; also, there is no encroachment permit required. Linda Gryczan stated that she believes this is because the existing drive has been there for 30 to 40 years. They felt it was best to bring the current roads in the subdivision up to standards, as there would be less disturbance. This doesn't show on the plat. Commissioner Notbohm stated that he understands the reasoning now, and it makes sense. He moved to grant preliminary plat approval. Commissioner Lythgoe seconded. The motion carried.

PRELIMINARY PLAT APPROVAL - TRESTLE HEIGHTS MINOR SUBDIVISION

Harold presented his staff report and recommended that preliminary plat approval be granted. Commissioner Notbohm moved to grant preliminary plat approval. Commissioner Notbohm moved to grant preliminary plat approval. Commissioner Lythgoe seconded. The motion carried.

PRELIMINARY PLAT APPROVAL - BLUEBIRD MINOR SUBDIVISION

Mike presented his staff report and stated that a variance will be needed as there is a lot three times longer than it is wide. Also, an approach permit will be needed from the state. He then recommended that preliminary plat approval be granted. Commissioner Notbohm noted that one lot is 1.025 acre, and asked if DEQ would grant approval for a backup drain field. Dennis Lay stated that DEQ has already given approval, and he also has an approach permit in hand. Commissioner Notbohm moved to grant preliminary plat approval. Commissioner Lythgoe seconded. The motion carried.

PRELIMINARY PLAT APPROVAL - WING IT MINOR SUBDIVISION

Harold presented his staff report and stated that this tract of land is the old Wing homestead. He recommended that preliminary plat approval be granted. Commissioner Notbohm asked if the water storage tanks show on the plat. Bob Keisling stated that the water tanks have nothing to do with this subdivision. This tract was formed through a boundary relocate. The land around was subdivided into four tracts. At that time an agreement was made for four concrete water storage tanks. Since then there is a new fire chief and a new planner. They have a 50 by 50-foot easement adjacent to McClellan Creek. The new fire chief wanted a 80,000 gallon storage tank. The expanded site will require changes to the conservation easements and an encroachment permit. Also, it won't work to have the turn-around span the road, so it will require even more land for the tank site. Commissioner Lythgoe noted that the Commission didn't allow a developer to use the road for a turn-around on Jackson Creek. Bob stated that the county road has a 60 foot right-of-way. The topography doesn't allow them to enlarge the site on the landowner's property. He noted that if there is a fire, the county road would be shut down anyway. The problem is that where ever there is a wide spot in the road, people park. However, all of this really has nothing to do with this subdivision; it is not on this property.

Commissioner Lythgoe stated that he doesn't feel that it is appropriate to use the county road as a staging area. The requirements have been changed mid-stream and Bob is having to deal with it. What was originally agreed to has been done.

Harold stated that he feels that for a minor subdivision with two lots, what Bob has already put in on his own property is sufficient. He also doesn't feel that they need a cul-de-sac at this site. He has seen elsewhere that the tankers fill then drive down the road a bit and turn around. Harold

noted that there is one way around this; pay the cash-in-lieu on the two lots and let the fire department deal with installing the tanks.

Commissioner Notbohm moved to grant preliminary plat approval. Commissioner Lythgoe seconded. The motion carried. Commissioner Lythgoe stated that they are going to sit down and have a meeting with the developer, fire department and road supervisor to deal with this.

PRELIMINARY PLAT APPROVAL - SHEEP MOUNTAIN #1 MINOR SUBDIVISION

Harold presented his staff report. He stated that there are four subdivision in the area, on four mining claims. Harold noted that this subdivision is totally surrounded by BLM property. The developer is currently in negotiations for one point of ingress and an emergency egress. This may take some time due to staff shortage. He recommended that preliminary plat approval be granted. Sam Little, Weed Coordinator, stated that the weed board has made no recommendation on any of these subdivisions. Commissioner Lythgoe asked if they would be doing the developer a favor by approving this at this time; they have a year, and they may not have the road easement in place by then. Harold stated that they discussed this, but the developer wants to pursue. The conditions of approval require that the easements be in place before any work is done in the subdivision.

Sam stated that the weed plan was submitted and the survey completed, but the board hasn't acted on it yet. He wanted to see what is in the conditions of approval and from the BLM. Commissioner Lythgoe stated that he doesn't have a problem with this, but Harold needs to take the recommendation of the weed supervisor out of the document.

Jack Frazier, the developer, stated that he doesn't understand why he can't do some work on his property if he doesn't have an easement with BLM. Commissioner Lythgoe asked if he is logging his property. Jack stated that he would like to clear some trees where the road is going to be and also do some fire mitigation. He would like to open the roadways that have been surveyed. Harold stated that this would offer more protection for the BLM if the easement doesn't go through; he doesn't want the county to be blamed for allowing them in. Jack stated that he currently has access for himself to his mining claim. Joe Schmaus stated that in the Clancy-Unionville travel plan, that particular road is currently open to all vehicles.

Commissioner Notbohm moved to grant preliminary plat approval. Commissioner Lythgoe seconded. Dennis Lay noted that on lot 1, they have split the lot with the road. They would like to leave it as is, as the road was placed to fit the terrain. There is adequate room for septic and drainfield. The motion carried.

PRELIMINARY PLAT APPROVAL - SHEEP MOUNTAIN #2 MINOR SUBDIVISION

Harold presented his staff report and recommended that preliminary plat approval be granted. Commissioner Lythgoe stated that the Commission recognizes that the weed department has not made a recommendation on this subdivision and they further recognize that they cannot keep Jack from working on his land. Commissioner Notbohm moved to grant preliminary plat approval. Commissioner Lythgoe seconded. The motion carried.

PRELIMINARY PLAT APPROVAL - SHEEP MOUNTAIN #3 MINOR SUBDIVISION

Mike presented his staff report, noting that a variance is required because lots 2 and 3 are divided by the road. He recommended that preliminary plat approval be granted. Commissioner Lythgoe asked about fire issues. Harold stated that the Clancy Fire Department has not pursued any cash-in-lieu or water storage. Commissioner Notbohm moved to grant preliminary plat approval. Commissioner Lythgoe seconded. The motion carried.

PRELIMINARY PLAT APPROVAL - SHEEP MOUNTAIN #4 MINOR SUBDIVISION

Mike presented his staff report, noting that a variance is required because lot 5 is divided by the road. He recommended that preliminary plat approval be granted. Commissioner Lythgoe asked about fire issues. Harold stated that the Clancy Fire Department has not pursued any cash-in-lieu or water storage. Commissioner Notbohm moved to grant preliminary plat approval. Commissioner Lythgoe seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

MEET WITH JEFFERSON CITY FIRE TRUSTEES TO DISCUSS AND DECIDE ON CHECKING ACCOUNT SHORTFALLS

Commissioner Lythgoe stated that he is not sure how to proceed. He would like to hear from Bonnie first, regarding how short the bank accounts are.

Craig Doolittle, County Sheriff, stated that if he could speak first, he would tell how all of this got started. The Treasurer noticed that several checks had been made out to an individual, and an investigation was opened. It was discovered that this person was getting money from the fire department for personal use under the guise of fire department business. They have an estimated amount for restitution, and it amounts to felony theft. He was charging items to the fire department account and also writing checks to himself for items that have not materialized. Commissioner Notbohm asked if an arrest has been made. Craig stated that an arrest has not been made yet, but it will be.

Bonnie stated that there are still a few things that need to be resolved. At this time, the fire department's county account is \$441.00 in the hole. There is money in the capital improvement account, but this money can't be used for operating expenses. The previous week, three warrants, totaling \$1,700 came in for payment, but she instructed the Treasurer to return them unpaid. She noted that the numbers on these three warrants are not sequential, so she is unsure if there are more warrants still out there. Bonnie stated that she hopes that they have made the payment on the intercap loan. It was also noted that \$3,556.40 of Title III funds were deposited in the bank, an account we have no access to. This money needs to be returned and put into the county account. At this time, there is approximately \$9,300 to be paid back to the Fire Department, with over \$6,000 in checks made out directly to the person in question. This does not take into consideration items that were charged, such as fuel. Bonnie noted that there are still seven or eight warrants out there, but she is not sure who they are written to or how much they are. Commissioner Notbohm stated that they need to look at all of the accounts, to determine if the funds are commingled. Bonnie stated that the fire department has two accounts with the county and one at the bank, where the Title IV money was deposited. This money should be in

the operating account.

Commissioner Lythgoe asked if there were any questions or comments for Craig or Bonnie. George DeMers stated that there is an account that they use for money raised from fund raisers, etc. Zion Madison, the fire chief, asked how to get the Title IV money back to the County. Craig stated that they know that the money is there, and they need to talk to Patty about how to do this. If money is missing that the trustees didn't authorize, this will add another count to the crime. George noted that there may be an account in Montana City also. It may just be a safety deposit box.

Bonnie stated that the biggest issue she wants to see taken care of is to get the money back into the capital outlay account. Checks will be coming in, and payment should have been made the beginning of August. There are two payments a year, for a total of \$7800. Bonnie also noted that she didn't get a budget for this year, so she did the budget for the maximum amount of mills. She hasn't been sending out reports, because no one has been reading them. If they have been, they would have noticed that the cash is in the red.

Craig suggested that the trustees meet with Bonnie and Patty to go over the budget, how to read the reports, and what to look for in the reports. One suggestion is not to sign any more blank checks.

Eric Rocha stated that he has the private account check book and the county account check book with him, and he doesn't see a payment for the building. He asked how they go about rectifying this and get back on track. Craig stated that they have the checkbooks and the CD in the bank. There is a legal process for restitution, but repayment could be spread out over years. He stated that they may need to cash in the CD and they put the restitution money back into the CD. He suggested that they talk to Bonnie and Patty to get all of this worked out.

Commissioner Lythgoe stated that earlier in the day one of the trustees, Jeff Forbes, was in the Commission office regarding a computer. Craig stated that he has the computer and Matt is dealing with the situation. Commissioner Lythgoe stated that he assumes the person in question no longer has keys to the fire hall. Eric stated that this is his next point of discussion. He is off of the accounts, but they are not sure how to proceed. Do they need to wait until all of this is settled before they do something permanent; this person still has access to the fire hall and keys to the mailbox. Matt stated that the best course would be to suspend this person and take the keys.

Eric asked if the trustees need to fill out legal papers and have the sheriff serve them, or do the trustees serve them. Matt stated that when the board makes a decision the papers can be served.

Lance Vossler asked if the fire department has the means to continue to operate. George noted that they have the CD. Commissioner Notbohm asked if they can transfer that money into the county account. Commissioner Lythgoe stated that Bonnie is the person to talk to get all that set up. Bruce Brensdal stated that they had some new members come on, and they are going to be taking steps to set up safeguards so that this won't happen again.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER